

KHALE J. LENHART, #7-4581
TYSON R. WOODFORD, #8-6650

Hirst Applegate, LLP
P. O. Box 1083
Cheyenne, WY 82003-1083
Phone: (307) 632-0541
Fax: (307) 632-4999
klenhart@hirstapplegate.com
twoxford@hirstapplegate.com

MARC FEINSTEIN (*pro hac vice*)
WILLIAM PAO (*pro hac vice*)

O'Melveny & Myers
400 South Hope Street
Los Angeles, CA 90071-2899
Phone: (213) 430-6000
Fax: (213) 430-6407
mfeinstein@omm.com
wpao@omm.com

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

BCB CHEYENNE LLC d/b/a BISON
BLOCKCHAIN, a Wyoming limited
liability company,

Plaintiff,

vs.

Civil No. 23-CV-79J

MINEONE WYOMING DATA CENTER
LLC, a Delaware limited liability company;
MINEONE PARTNERS LLC, a Delaware
limited liability company; TERRA
CRYPTO INC., a Delaware corporation;
BIT ORIGIN, LTD., a Cayman Island
Company; SONICHASH LLC, a Delaware
limited liability company; BITMAIN
TECHNOLOGIES HOLDING COMPANY,
a Cayman Island Company; BITMAIN
TECHNOLOGIES GEORGIA LIMITED, a
Georgia corporation; and JOHN DOES
1-18, related persons and companies who
control or direct some or all of the named
Defendants,

Defendants.

***MOTION TO VACATE THE
ORDER ON INITIAL PRETRIAL
CONFERENCE AND SET A
NEW SCHEDULING
CONFERENCE***

HIRST APPLGATE, LLP

LAW OFFICES
P.O. Box 1083
CHEYENNE, WYOMING 82003-1083

***MOTION TO VACATE THE ORDER ON INITIAL PRETRIAL
CONFERENCE AND SET A NEW SCHEDULING
CONFERENCE***

Defendant Bitmain Technologies Georgia Limited (hereinafter “Bitmain Georgia”), by and through undersigned counsel, moves the Court for an order vacating the Court’s *Order on Initial Pretrial Conference* and setting a new scheduling conference. In support of this motion, Bitmain Georgia states as follows:

1. This matter was first filed by Plaintiffs on May 3, 2023.
2. Defendant Bitmain Technologies Georgia Limited (“Bitmain Georgia”) was served on October 25, 2023, became aware of the lawsuit on November 21, 2023, and, after the Court’s *Order Setting Aside Default Against Defendant Bitmain Technologies Georgia Limited*, was permitted to fully participate in the case on January 10, 2024.
3. The Court entered its *Order on Initial Pretrial Conference*, setting the deadlines in this matter, on August 29, 2023, prior to Bitmain Georgia being involved in the case.
4. The deadlines set in the *Order on Initial Pretrial Conference* include, but are not limited to:
 - Plaintiff’s Expert Designations – February 28, 2024
 - Defendant’s Expert Designations – April 15, 2024
 - Discovery Cut-off – August 7, 2024
 - Dispositive and other Pretrial Motions – September 6, 2024
5. To date, over 80,000 pages of documents have been produced by the various parties, including over 41,000 pages on February 15, 2023. Bitmain Georgia has only recently been provided with the documents produced prior to Plaintiff’s February 15 production.

Additionally, Bitmain Georgia anticipates that additional documents will be produced in this matter.

6. Depositions have not yet been scheduled, although Bitmain Georgia expects them to be voluminous. For example, Plaintiff's Initial Disclosures identified fifty-six different potential witnesses. Defendants MineOne, Wyoming Data Center LLC, MineOne Partners LLC, and Terra Crypto Inc. identified eighteen potential witnesses.

7. With the volume of discovery already produced, the anticipated extent of discovery remaining, the amount of review and analysis necessary to sort through the discovery already produced, combined with the existing court schedule, Bitmain Georgia believes it will be substantially prejudiced in its defense if the Court does not vacate the current scheduling order and reset a scheduling conference. There is not enough time in the Court's schedule for Bitmain Georgia to meaningfully analyze the documents produced, retain and designate experts, and complete the remaining discovery that may be needed within the dates set forth in the Court's *Order on Initial Pretrial Conference*.

8. Pursuant to Fed. R. Civ P. 16(b)(4), the Court may amend the scheduling order upon a showing of "good cause." The volume and extent of discovery, coupled with the late addition of Bitmain Georgia to the case, constitute good cause. Decisions regarding whether to extend or reopen discovery are "committed to the sound discretion of the trial court[.]" *Smith v. United States*, 834 F.2d 166, 169 (10th Cir. 1987).

Bitmain Georgia has conferred with counsel for the other parties in this matter. Plaintiff opposes this motion. All Defendants stipulate to this motion.

A proposed order is attached for the Court's convenience.

Dated: 23 February 2024.

BITMAIN TECHNOLOGIES GEORGIA
LIMITED, Defendant

BY: /s/ Khale J. Lenhart

KHALE J. LENHART, #7-4581
TYSON R. WOODFORD, #8-6650
OF HIRST APPLGATE, LLP
Attorneys for Defendant Bitmain
P. O. Box 1083
Cheyenne, WY 82003-1083
Phone: (307) 632-0541
Fax: (307) 632-4999
klenhart@hirstapplegate.com
twoodford@hirstapplegate.com

and for

MARC FEINSTEIN (*pro hac vice*)
WILLIAM PAO (*pro hac vice*)
O'Melveny & Myers
400 South Hope Street
Los Angeles, CA 90071-2899
Phone: (213) 430-6000
Fax: (213) 430-6407
mfeinstein@omm.com
wpao@omm.com

CERTIFICATE OF SERVICE

I certify the foregoing ***Motion to Vacate the Scheduling Order and Set a New Scheduling Conference*** was served upon all parties to this action pursuant to the Federal Rules of Civil Procedure on 23 February 2024, and that copies were served as follows:

Patrick J. Murphy, #5-1779
Scott C. Murray, #7-4896
Williams, Porter, Day & Neville, P.C.
159 North Wolcott, Suite 400
P. O. Box 10700
Casper, WY 82602-3902
pmurphy@wpdn.net
smurray@wpdn.net
Attorneys for Plaintiff

☐ U.S. MAIL
☐ FED EX
☐ FAX
☐ HAND DELIVERED
☐ EMAIL
☒ E-FILE

Sean M. Larson, #7-5112
Kari Ann Hartman, #8-6507
Hathaway & Kunz, LLP
P. O. Box 1208
Cheyenne, WY 82003-1208
slarson@hkwyolaw.com
khartman@hkwyolaw.com
*Attorneys for Defendants Mineone, Terra Crypto, Bit
Origin, Sonichash*

☐ U.S. MAIL
☐ FED EX
☐ FAX
☐ HAND DELIVERED
☐ EMAIL
☒ E-FILE

Paula Colbath, *Pro Hac Vice*
Sarah Levitan Perry, *Pro Hac Vice*
Loeb & Loeb, LLP
345 Park Avenue
New York, NY 10154
pcolbath@loeb.com
sperry@loeb.com
*Attorneys for Defendants Mineone, Terra Crypto, Bit
Origin, Sonichash*

☐ U.S. MAIL
☐ FED EX
☐ FAX
☐ HAND DELIVERED
☐ EMAIL
☒ E-FILE

/s/ Shannon M. Ward
OF HIRST APPLGATE, LLP
Attorneys for Defendant Bitmain